REMARKS

The Final Office Action, mailed June 5, 2007, considered claims 1–23. Claims 1–23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lionel Briand & Yvan Labiche, *A UML-Based Approach to System Testing* (Sep. 12, 2002) (hereinafter Briand); in view of MacPherson, U.S. Patent No. 6,088,664 (filed Apr. 14, 1999) (hereinafter MacPherson).[1]

By this response, claims 1, 7, 14, and 17–23 are amended such that claims 1–23 remain pending. Claims 1, 14, and 18 are independent claims which remain at issue. Support for the amendments may be found within Specification pp. 19–22 & 25–26.[2]

As reflected in the claims, the present invention is directed generally toward methods, computer program products, and systems for generating a list of test cases by constructing a list of all the possible subsequences of operations of a specified length and then combining those subsequences in an efficient way so as to ensure that each subsequence is covered in a test case. Claim 1 recites, for instance, in combination with all the elements of the claim, a method of generating a list of test cases which includes receiving a plurality of elements representing operations to test. Two intergers are received, one which represents a length N of subsequences and one represents the maximum length M of a test case. A list of subsequences of length N are generated such that all subsequences of length N of elements from the list are represented in the list. Subsequences are removed from the list which have been designated as invalid. From the remaining subsequences, a list of test cases is generated where each test case comprises M elements and each valid subsequence appears at least once within the generated list of test cases.

Claim 14 is a system embodiment of the method recited in claim 1. Claim 18 is a computer program product embodiment of the method recited in claim 1.

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Briand in view of MacPherson.[3] Claim 1 has now been amended to more particularly point out and to further

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[1] Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

[2] However, it should be noted that the present invention and claims as recited take support from the entire Specification. As such, no particular part of the Specification should be considered separately from the entirety of the Specification.

[3] Office Communication p. 2 (paper no. 20070528) (mailed June 5, 2007).

clarify the invention.[4] The Applicant submits that Briand and MacPherson, both separately and in combination, fail to teach or suggest each and every element of claim 1 as is now recited.

In particular, Briand and MacPherson, both separately and in combination, fail to teach or suggest receiving as input an interger N representing a length of subsequences (of elements representing operations to test), N being greater than or equal to 2. Briand and MacPherson, both separately and in combination, fail to teach or suggest receiving as input an integer M representing the maximum length of a test case. Briand and MacPherson, both separately and in combination, fail to teach or suggest generating a list of fixed length subsequences from a received plurality of elements, each subsequence comprising N elements, and the list comprising all subsequences such that each subsequence of elements of length N is represented within the list. Briand and MacPherson, both separately and in combination, fail to teach or suggest removing from the list of subsequences each subsequence having been designated as invalid. Finally, Briand and MacPherson, both separately and in combination, fail to teach or suggest generating a list of test cases, each test case comprising M elements, from the list of subsequences, such that each valid subsequence appears at least once within the list of test cases.

As was discussed by phone and as pointed out above, the Applicant submits that the present amendments recite elements clearly not taught or suggested by Briand and MacPherson. Because Briand and MacPherson, both separately and in combination, fail to teach or suggest each and every element of the invention as now recited, a rejection under 35 U.S.C. § 103(a) would be improper and should be withdrawn. Accordingly, the Applicant respectfully requests the Examiner to withdraw the rejection of claim 1. The Applicant further submits that claim 1 is in condition for allowance and respectfully requests favorable reconsideration.

As independent claims 14 and 18 recite and incorporate the method of claim 1, the above discussion applies equally to them. Accordingly, the Applicants submit that claims 14 and 18, as now recited, are also in condition for allowance and respectfully requests favorable reconsideration of claims 14 and 18.

In view of the foregoing, Applicants respectfully submit that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will
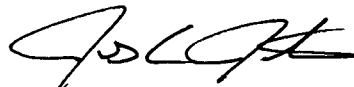
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[4] Note, however, that the amendments do not evince any concession on the part of the Applicant that the art cited in the previous Office Communication renders the previously recited claims unpatentable under 35 U.S.C. § 103. The amendments notwithstanding, the Applicants reserve the right to pursue the previously recited claims as may be desired at some future time.

be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 3rd day of August, 2007.

Respectfully submitted,

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